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# "McCain-Feingold: A Right Step in the Right Direction"

Max S. Baucus

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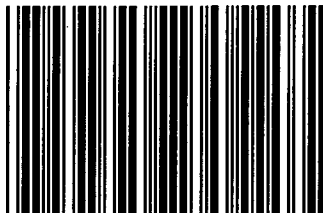
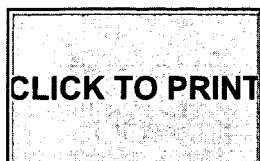
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BAUCUS

## McCain-Feingold: A Right Step in the Right Direction

Mr. President, four decades ago, Senator John F. Kennedy, warned of the rising costs of political elections and the dangers they posed to the American democratic process.

There was the danger, he said, of political contestants "becoming deeply obligated to the big financial contributors from the worlds of business, labor, and other major lobbies." And there was the danger of "equal access" to the political system being shattered. "The time has come," Senator John Kennedy proclaimed in 1959, "when a solution must be found" to the soaring cost of political contests.<sup>1</sup>

When Senator John Kennedy expressed his concerns, the amount of money spent on all Congressional races, both House and Senate, both Democrat and Republican, totaled \$6.3 million. Today (1996), the median cost of a single candidate for a single Senate seat is \$2.6 million.

In the presidential contest prior to Senator Kennedy's remarks (1956), the two presidential candidates spent a total of \$12.9 million in the general election. In the last presidential election (1996), they spent more than \$150 million.<sup>2</sup>

Mr. President, the rising cost of seeking political office is nothing less than outrageous. Last year (1996), House and Senate candidates spent more than \$765 million -- a 76 percent increase since 1990. Last year, more than \$4 billion was spent on all elections -- twenty years ago, it was less than \$600 million.

In addition to the concerns raised by John Kennedy, I point to the damage such amounts of political money do to our democratic process by increasing public cynicism. These amounts heighten the perception that federal lawmakers respond to the special interests, not to the public interest; that federal law makers favor the greedy over the needy; that federal lawmakers are, in reality, federal law breakers.

Absolute power, said Lord Acton in his famous axiom, corrupts absolutely. In a less famous axiom, I say that money is perceived to corrupt the political process in direct proportion to the amount of money spent.

Unfortunately, there is some basis for this perception. The pages of American history books as well as today's headlines are filled with accounts of fund raising scandals and influence peddling.

In the late nineteenth century, the captains of industry used their new found wealth to purchase Senate seats from state legislatures in Colorado, West Virginia, Illinois, and Pennsylvania. The 17th amendment put an end to this practice, but Congress still had to use taxpayer money to investigate and determine the results of congressional elections in Michigan, Pennsylvania, Virginia, Illinois, and other states.

Abuse of campaign funds has contributed to the worst scandals in presidential history, namely Teapot Dome and Watergate.

Today, an administration is being embarrassed and its agenda impeded as a result of its participation in a political financial process that, as I have said, is nothing less than outrageous.

Mr. President, it is time to put an end to the need for, and the opportunity for, these practices that are so unsavory in the minds of most Americans.

"The power of the government to protect the integrity of the elections of its officials is inherent," proclaimed President Theodore Roosevelt in his Fourth Annual Message to the Congress: "There is no enemy of free government more dangerous and none so insidious as the corruption of the electorate."<sup>3</sup>

Senator John F. Kennedy declared that "[A]dequate government regulation of the elective process [is] the most vital function of self-government."

The recognition that the government has an obligation to watch out for and to limit the corrupting influences upon the American body politic is not a recent event, nor even a twentieth century phenomenon. Nor did it begin in the 19th Century with the accumulation of great fortunes with the rise of industrial-capitalism.

It goes all the way back to the founding of our great country. In the Federalist Papers, James Madison pointed out that the "aim of every political constitution is ... to obtain for rulers men who possess the most wisdom to discern, and the most virtue to pursue, the common good of the society." The second aim, Madison explained, was "to take the most effectual precautions for keeping them virtuous whilst they continue to hold the public trust."

As wise and foreseeing as were our Founding Fathers, little could they have seen the wealth and power that would emerge concurrently with American industrial-capitalism.

Therefore, it has been up to those who came later to come to grips with this -- and many attempts have been made. Since the Civil War, we have enacted at least 16 major campaign finance laws -- and not one has realized the desired success. As Lyndon Johnson said of the Corrupt Practices Act, it was "more loophole than law."

The money simply found other channels.

A man who knew all about abuse of the campaign finance system, President Richard Nixon, once explained that campaign finance reform will not work when it "plugs only one hole in a sieve."<sup>4</sup>

Now I ask, would Richard Nixon lie to you?

We are brought here today to debate a proposal for campaign finance reform advanced by Senators John McCain of Arizona and Russell Feingold of Wisconsin. Their legislation correctly identifies many of the most glaring deficiencies of the current campaign finance system and seeks to remedy them. But I must confess precisely for the same reason Richard Nixon identified, that I am concerned that McCain-Feingold does not go far enough. In my judgment, its reforms are not all that are needed. That is why I've introduced legislation with Senators Wellstone, Glenn, Biden, and Leahy that would remove from federal elections all private money in amounts greater than \$150.

What we propose in our Clean Money/Clean Elections bill is not a new idea. President Theodore Roosevelt called for it 90 years ago. In his annual message to Congress in 1907, President Roosevelt proclaimed:

"The need for collecting large campaign funds would vanish if Congress provided an appropriation for the proper and legitimate expenses of each of the great national parties, an appropriation ample enough to meet the necessity for thorough organization and machinery, which requires a large expenditure of money."

The national Democratic Party called for it 73 years ago. In its 1924 national platform, the Democratic party called for federal subsidies to candidates for federal office, stating:

"we demand that national election shall hereafter be kept free from the poison of excessive private contributions."

In the 1950s and 1960s, a leading advocate of public financing was Senator Albert Gore, the father of our Vice President.

But I am a realist, and I understand that the support for a Clean Money/Clean Elections proposal has not been developed across the nation with such breadth and intensity that it can compel the Congress to take this full step. And being a realist, I realize that a half a loaf -- at least, the correct half loaf -- is better than no loaf. Don Quixotes tilting at windmills might make good romantic heroes, but they don't often get elected to public office or accomplish much when they do. Politics is the art of the achievable, and today, McCain-Feingold is at the edge of what is considered achievable.

With but a handful of Republican votes, we can pass McCain-Feingold, and in so doing, perhaps make the best contribution it is possible for us to make today towards clearing the muddy, murky waters of campaign finance, at this time.

McCain-Feingold does something. It is far preferable to sitting back and doing nothing. It is good legislation. It is needed legislation. It heads us in the right direction.

I congratulate and thank both Senators Feingold and McCain for their efforts in putting together this bill and fighting for it.

I commend Senator Feingold for his hard work, and his devotion to making the American

political process a cleaner, better, more democratic system.

And I commend the work of Senator McCain. I understand the courage it takes to assume a mission not appreciated by the leadership of one's party. Senator McCain has always excelled as a lawmaker and as a patriot, and with this legislation, he has done so again. He pursues a just cause.

For all of its achievements, and they are considerable, we cannot and must not rest content with McCain-Feingold. We must rationalize as well as reform this vast, this complicated, this collapsed electoral process.

Eventually the day will come when the support will have developed to pass the Clean Money/Clean Elections legislation. I will continue to fight the good fight, the right fight, in order to develop the ground swell large enough and angry enough to accomplish this.

Until that day, we can certainly do no less than McCain-Feingold. We must not settle for anything less. Some have suggested that because it will be difficult to find Republican votes for real reform, we should settle for only limiting soft money. But this is not even half a loaf, it is only a slice of the loaf, and we must not fall for it.

If we do nothing but ban so-called "soft-money," all of us know that this money will simply find other outlets. It always has. It always will.

No more half way measures. No more compromises. No more band-aids when surgery is required. Enough is enough.

It is now time for the U.S. Congress, in the words of James Madison, to "take the most effectual precautions" for keeping out political system "virtuous."

Mr. President, James Madison and the rest of our Founding Fathers acted to create a "more perfect union."

Today, it behooves us, the 105th Congress, to create a "more perfect" political process. McCain-Feingold is not a perfect answer, but it is an answer. It is an important step in restoring faith and trust in our political process and preserving its vitality.

We cannot pursue any lesser action without denying the beautiful and powerful, democratic legacy our Founding Fathers bequeathed to us.

I urge my colleagues -- of both parties -- to support the McCain-Feingold bill. While it does not accomplish as much as I believe needs to be accomplished, it nonetheless accomplishes much. Our electoral system will be significantly improved, and the confidence of our people in our government will be launched on the road towards restoration.

1. "A Force That Has Changed the Political Scene," TV Guide, November 14, 1959: Thayer, Who Shakes the Money Tree?, p. 22.

2. The \$150.2 is the amount spent by the candidates themselves in the general election. It doe not include the money spent by the party or issue advocacy. This figure was used to make it consistent with the \$12.9 million spent by Eisenhower-Stevenson, which was the only figure we could come up with the 1956 presidential election.

3. Fourth Annual Message, December 6, 1904.

4. Veto of Political Broadcasting Bill, October 12, 1970.